

IMPACT OF OVERDOSE IMMUNITY STATUTE ON THE CRIMINAL JUSTICE SYSTEM

October 30, 2015

This report is made pursuant to Section 2a of Act 71 of 2013 which requires the following:
"The Executive Director of the Department of State's Attorneys and Sheriffs and the Defender General shall each report to the Senate and House Committees on Judiciary on the implementation and effect of Sec. 2 of this Act [Overdose Immunity] no later than November 2015."

PREFACE

Section 2 of Act 71, in pertinent part, provides limited immunity from criminal prosecution for certain drug-related and alcohol-related offenses to individuals who come into contact with emergency responders because they are experiencing an overdose and seek medical treatment, or because they are assisting another individual in obtaining medical treatment for an overdose.

REPORT

After diligent inquiry, the Department of State's Attorneys & Sheriffs reports:

- Zero instances in which the investigation or prosecution of a major crime (defined as a listed offense or a crime against a person) was materially impeded, hindered, or prevented by the overdose immunity statute.
- Fewer than ten instances in which a controlled substance charge was declined for prosecution by a State's Attorney or dismissed by a Court by virtue of the overdose immunity liability statute.

QUALIFICATION

We do not have any data on the number of criminal offenses that police agencies declined to investigate or declined to refer for prosecution by virtue of the police agencies' knowledge of the overdose immunity statute.